

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

RECEIVED

JAN 29 2007

IN THE MATTER OF:

Case No.: 3582

AZ OSTEOPATHIC BOARD

EDWARD L. SHAPIRO, D.O.
Holder of License No. 2847

**CONSENT AGREEMENT TO FINDINGS
OF FACT, CONCLUSIONS OF LAW AND
PROBATIONARY ORDER**

For the practice of osteopathic medicine in the
State of Arizona

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Edward L. Shapiro, D.O. (hereinafter "Respondent"), the parties, hereto agree to the following disposition to this matter.

1. Respondent acknowledges that he has read this Consent Agreement and Order; and, Respondent is aware of and understands the content of these documents.

2. Respondent understands that by entering into this Consent Agreement and Order, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Consent Agreement and Order in state or federal court.

3. Respondent understands that this Consent Agreement and Order will not become effective unless approved by the Board and signed by its Executive Director.

4. Respondent further understands that this Consent Order and Order, once approved and signed, shall constitute a public record which will be disseminated as a formal action of the Board.


5. Respondent admits to the statement of facts and conclusions of law contained in the Consent Agreement and Order.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and


1 the State of Arizona; and, therefore, said admissions by Respondent are not intended for any
2 other purpose or administrative regulatory proceeding or litigation in another state or federal
3 court.

4 7. Respondent acknowledges and agrees that upon signing and returning this
5 document (or a copy thereof) to the Board's Executive Director, he may not later revoke or
6 amend any part of the Consent Agreement and Order, without first obtaining Board approval.

8 REVIEWED AND ACCEPTED THIS 24th DAY OF JANUARY, 2007.

9
10 
11 _____
12 Edward L. Shapiro, D.O., Respondent

13 REVIEWED AND APPROVED AS TO FORM THIS 25th DAY OF JANUARY, 2007

14 
15 _____
16 Michael Kimerer, Esquire, Attorney for the Respondent

17 **JURISDICTIONAL STATEMENTS**

18 1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the
19 licensing and practice of osteopathic medicine in Arizona.

20 2. The Board has the authority to informally dispose by stipulation, agreed
21 settlement, consent order or default pursuant to A.R.S. § 41-1092.05 (F)(5).

22 3. Respondent holds license No. 2847 to practice osteopathic medicine in Arizona.

23 **FINDINGS OF FACT**

24 4. On November 29, 2006, the Respondent self-reported a marijuana dependence
25 and/or addiction problem to the Board. Respondent reported this situation because of the

1 impending board review of Case #3582.

2 5. The Respondent has been cooperative with the Board's process to address these
3 situations and was advised of the Board's monitored aftercare program.

4 6. On November 30, 2006, the Respondent voluntarily underwent an initial
5 assessment an evaluation with Dr. Michael Sucher at the request of the Board's Executive
6 Director. Dr. Sucher's preliminary assessment, after talking with the Respondent, is that he
7 should be evaluated by an in patient program, possible the Meadows or Sierra Tucson.

8 7. The Respondent is actively seeking treatment from an addiction specialist and has
9 substantively participated in this Board inquiry.

10 CONCLUSIONS OF LAW

11 1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic
12 Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

13 2. The conduct and circumstances described in paragraphs 4 through 7 above
14 constitute unprofessional conduct as defined in the following subsection of A.R.S. § 32-1854 (3):

15 Practicing medicine while under the influence of alcohol, narcotic or hypnotic
16 drugs or any substance that impairs or may impair the licensee's ability to safely
17 and skillfully practice medicine.

18 ORDER

19 **NOW, THEREFORE, IT IS ORDERED AND AGREED AS FOLLOWS:**

20 Pursuant to A.R.S. §§ 32-1855 (C), 41-1092.11 and 41-1064 (C), License No. 2847 held
21 by **EDWARD L. SHAPIRO, D.O.** ("Respondent") shall be placed on **PROBATION** for 5
22 years from the date of this order with the following terms and conditions of probation as set forth
23 herein:

24 1. Respondent shall not practice medicine until such time as he successfully
25 completes an in-patient evaluation and in-patient treatment program as recommended by a
treatment and care facility approved by the Executive Director. Respondent must adhere to any

1 and all recommendations of his evaluators upon release from the in-patient treatment program
2 and appear before the Board prior to practicing medicine in the State of Arizona.¹

3 2. Respondent will develop a plan for aftercare treatment and monitoring which
4 shall include, but may not be limited to, individual and/or group counseling sessions, random
5 body fluid testing, agreement for release of treatment records and reports to the Board,
6 prohibition of the use of alcohol and controlled substances unless the latter is prescribed or
7 coordinated by his treating physician, and regular meeting with the Board, and submit this plan
8 to the Board for its approval.

9 3. From the date of this Order, Respondent shall obtain psychiatric or psychological
10 treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is
11 selected by Respondent and approved by the Board. Respondent shall comply with the therapist
12 recommendation for the frequency of therapy treatment sessions. Respondent shall inform the
13 Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and,
14 Respondent shall undertake and fully cooperate with a program of treatment established by the
15 therapist. In the event Respondent changes therapists, he shall give the Board written notice
16 within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of
17 psychotherapy sessions until he has submitted a written request to the Board and obtained Board
18 approval.

19 4. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall
20 cooperate with and disclose all relevant information in the Board's files concerning Respondent.
21 The treating therapist shall be directed by Respondent to send to the Board a detailed written
22 progress report every month for the remainder of the probation; and Respondent, shall waive any
23 confidentiality concerning his psychotherapy in order that the Board may receive full disclosure
24

25 ¹ The matter would be agendized on the first available regular meeting.

1 of information. The expense of the aforementioned therapy and the reports to the Board by
2 Respondent's therapist shall be the sole responsibility of the Respondent.

3 5. Respondent shall provide a copy of this Order and any subsequent Orders to all
4 facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or
5 subsequently receives) privileges to engage in the practice of medicine. Respondent shall
6 provide a copy of this Order to all treating physicians, dentists and or health care professionals.
7 Respondent shall continue to make the aforementioned disclosure and provide copies of this
8 Consent Order until the expiration of this Order.

9 6. Respondent may have his license to practice as an osteopathic physician
10 restricted, suspended or revoked by the Board in the future if:

- 11 (a) The Board finds that Respondent does not have the requisite mental, physical and
12 emotional fitness to safely continue the practice of medicine; or,
- 13 (b) There are new grounds for finding unprofessional conduct concerning
14 Respondent; or,
- 15 (c) Fails to comply fully with the terms and conditions of this Order.

16 7. Respondent shall not consume illicit drugs or take any controlled substances (i.e.,
17 prescription only drugs), unless his treating physician prescribes such medication for him with
18 the awareness that Respondent has a substance abuse disorder. Respondent shall maintain a
19 monthly log (for the duration of probation) of all prescription only drugs taken by him and such
20 log shall include the following information:

- 21 (a) the name of the medication;
- 22 (b) name of prescribing physician;
- 23 (c) reason for the medication.

24 8. At the first of each month, Respondent shall report by letter to the Board whether
25 or not he is taking any prescription only medication and, if so, a copy of his log reflecting the
above information.

9. Respondent shall also, as part of his probation: (A) submit to and cooperate in
any independent medical or psychological evaluation that is ordered by the Board for

Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic notification from the Board's executive director which shall be given at least five (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

10. Respondent shall participate in 90 meetings in 90 days upon his discharge from the treatment facility and then in a minimum of three (3) self-help meetings per week through such organizations as A.A., N.A., C.A. and doctor's Caduceus group. Respondent shall keep a log of all meetings attended and have the log signed by the chairperson of the meeting. Respondent will provide the Board with a copy of the signed log the first of every month.

11. In the event Respondent moves and ceases to practice medicine in Arizona, he shall give written notice to the Board of his new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to practice medicine in Arizona.

12. Respondent shall reimburse the Board for all expenses associated with the continued monitoring of this matter.

13. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

14. The Board's Executive Director shall send correspondence to the appropriate state and/or federal law enforcement agency disclosing information in the Board's possession which may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances.

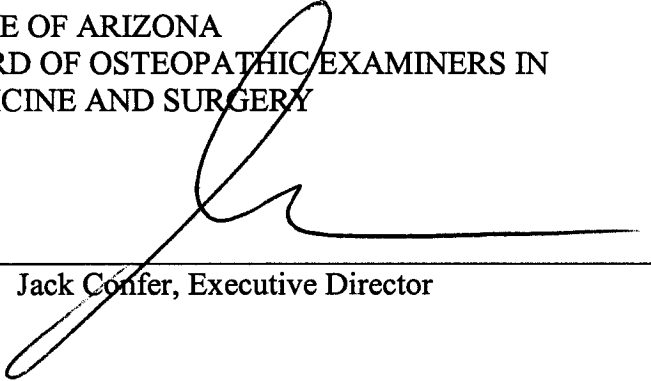
15. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be

1 considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in
2 the event that Respondent fails to comply with any of the requirements of this Order.



5 ISSUED THIS 25th DAY OF JANUARY, 2007.

6 STATE OF ARIZONA
7 BOARD OF OSTEOPATHIC EXAMINERS IN
8 MEDICINE AND SURGERY

9 By: 
10 Jack Confer, Executive Director

11 Original "Consent Agreement to
12 Findings of Fact, Conclusions of Law,
13 and Probationary Order" filed this 25th
14 day of JANUARY, 2007 with the:

15 Arizona Board of Osteopathic Examiners
16 In Medicine and Surgery
17 9535 East Doubletree Ranch Road
18 Scottsdale AZ 85258-5539

19 Copy of the foregoing "Consent Agreement to
20 Findings of Fact, Conclusions of Law,
21 and Probationary Order" sent via certified,
22 return receipt requested this 25th
23 day of JANUARY, 2007 to:

24 Edward L. Shapiro, D.O.
25 702 East Bell Road, #119
Phoenix, AZ 85022

26 Copies of the foregoing "Consent Agreement to
27 Findings of Fact, Conclusions of Law,
28 and Probationary Order" sent via regular
29 mail this 29th day of JANUARY, 2006 to:

30 Blair Driggs, AAG
31 Office of the Attorney General CIV/LES
32 1275 West Washington
33 Phoenix AZ 85007

1 Michael Kimerer, Esquire
2 Kimerer & Derrick, PC
3 211 West Indianola Avenue
4 Phoenix, AZ 85012-2002

